

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

REDACTED

Criminal Complaint 08-118-m

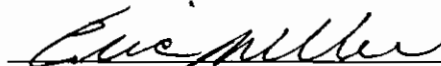
JIMMY LEE PIERCE,

Defendant

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 15, 2008, in New Castle County, in the District of Delaware, defendant Jimmy Lee Pierce, did knowingly possess with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B).

I further state that I am a Special Agent with the Drug Enforcement Administration, U.S. Department of Justice, and that this complaint is based on the following facts: **SEE ATTACHED AFFIDAVIT**

Continued on the attached sheet and made a part hereof: YES



Signature of Complainant

Eric G. Miller

Special Agent

Sworn to before me and subscribed in my presence,

July 16, 2008

Date

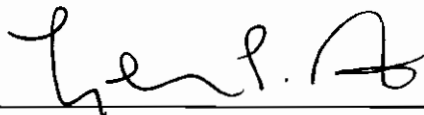
at Wilmington, DE

City and State

Honorable Leonard P. Stark

United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer


AFFIDAVIT

1. Your affiant, Special Agent Eric G. Miller of the Drug Enforcement Administration (DEA), does solemnly swear that:
2. Your affiant is a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice and as such, I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I have been a DEA Special Agent for the past eighteen years and am currently assigned to the Wilmington, Delaware Resident Office. During my employment with the DEA, I have received training in connection with the identification, manufacture, and distribution of illegal drugs, including cocaine and cocaine base. I have attended at least ten schools and seminars that specialized in all aspects of narcotics investigations. Your affiant continues to keep abreast of current trends and practices of drug traffickers by reading periodicals, intelligence reports and training literature. Finally, your affiant has frequent contact with other Special Agents and law enforcement personnel as well as confidential informants and sources of information in an attempt to remain up-to-date with current trends of narcotics traffickers. During my employment as a DEA Special Agent, I have participated in over three hundred narcotics investigations. Your affiant has been certified as an expert in State and Federal Court on at least five occasions involving cocaine and cocaine base.
3. This Affidavit is in support of a criminal complaint against Jimmy Lee Pierce, date of birth, 1969. I am the case agent responsible for the investigation in aid of which this application is being made. This Affidavit is based on my personal knowledge and observations as well as information provided to me by other law enforcement officers who participated in this investigation. Because this Affidavit is solely for the purpose of establishing probable cause, not all facts relating to the investigation are included herein.
4. On July 15, 2008, I received a telephone call from a trooper with the Delaware State Police. This law enforcement officer advised that he had just initiated a traffic stop on a 1998 Chevy Lumina, Virginia registration KJB7992, for a speeding violation southbound on Interstate 95, near the toll plaza in Newark, Delaware. Based on the Virginia driver's license provided by the driver, the law enforcement officer initially identified the driver of the Lumina as Richard Earl Teach, III, date of birth, August 1, 1972. Later, during an interview, the driver advised your affiant that his real name was Jimmy Lee Pierce and his birthdate was 1969.
5. The driver initially indicated that the Lumina had been rented, but he was unable to provide evidence of the alleged rental or any rental agreement.
6. A Delaware State Police K-9 Officer responded to the scene and performed a K-9 scan on the vehicle. The dog's behavior indicated an interest in the passenger compartment of

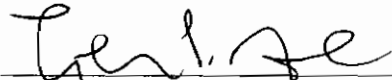
the car. A hand search of the vehicle produced approximately one kilogram of cocaine (1000 grams), found in the glove box. A subsequent field test confirmed that the substance was cocaine.

7. Upon arrest, Pierce was advised of his rights pursuant to *Miranda v. Arizona*. While at Delaware State Police Troop 2, Pierce admitted to possessing the kilogram of cocaine in Newark, Delaware. Pierce admitted purchasing the cocaine in New York for \$35,000 for the kilogram of cocaine and an additional approximately \$23,000 (found in the Lumina) was to purchase more cocaine in New York. Pierce stated, however, that the source of supply in New York only had one kilogram of cocaine to sell to him.
8. Based on your affiant's training and experience, it is your affiant's belief that the seized cocaine was intended for distribution. This conclusion is based on the above factors including the quantity, packaging, and street value of the seized cocaine.
9. WHEREFORE, based on the above-stated facts, your affiant believes that there is probable cause to believe that Jimmy Lee Pierce has committed the crime of knowingly possessing with the intent to distribute more than five hundred grams of a mixture or substance containing a detectable amount of cocaine, a schedule II narcotic controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); and prays that a complaint be issued.

I, the undersigned, swear that the above-stated facts are true to the best of my knowledge and belief.


Special Agent Eric G. Miller
Drug Enforcement Administration

Sworn and subscribed before me this 16th day of July, 2008.


The Honorable Leonard P. Stark
U.S. Magistrate Judge